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OFFICE OF PETITIONS

In re Application of	:	
Keller et al.	:	DECISION GRANTING
Application No. 10/006,385	:	STATUS UNDER
Filed: December 10, 2001	:	37 CFR 1.47
Attorney Docket No.	:	
N.C. 82,591	:	

This is a decision on the petition under 37 CFR § 1.47, filed March 5, 2002. The delay in treating this petition is regretted.

The petition is **GRANTED**.

The above-identified application was filed on December 10, 2001, without an oath or declaration. Accordingly, on January 24, 2002, applicants were mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), requiring, *inter alia*, a properly executed oath or declaration. The Notice set a period for reply of two months from the mailing date of the notice, with extensions of time obtainable under § 1.136(a).

Applicants responded with the instant petition and the late surcharge, made timely by an accompanying petition for extension of time for response with two months (and fee). Rule 47 applicants maintain that status under 37 CFR 1.47 is proper because joint inventor Perrin refuses to join in the application for patent. Pursuant to 35 U.S.C. 4, non-signing inventor Perrin has refused to join in the application as he is a current employee of the United States Patent and Trademark Office. The declaration filed March 5, 2002, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the

address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is an image file wrapper ("IFW") and, as such, no forwarding of the file is necessary. Office records have been corrected to reflect rule 47 status in this file.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

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